

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DENNIS BALL-BEY, )  
Plaintiff, )  
v. ) 4:18-cv-01364-SPM  
KYLE CHANDLER, et al., )  
Defendants. )

**PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION FOR CONTINUANCE**

Plaintiff Dennis Ball-Bey files this response to Defendants' Motion for Continuance (ECF No. 328).

Defendants have spent the last several months opposing Plaintiffs' attempts to uncover highly relevant information related to the failures of the Force Investigation Unit. *See* ECF Nos. 295, 329. Much of Defendants' opposition has related to the looming trial date, and at no point in the comprehensive briefing and argument has counsel for Defendant noted that the scheduled trial dates would actually not be practicable for Defendants' counsel. Such actions further Mr. Ball-Bey's belief that the City's opposition to this additional discovery is based solely upon a desire to keep hidden damaging evidence that may assist Plaintiff in both his claims for individual and *Monell* liability.

While Plaintiff is prepared for trial on either September 11 or September 18, Plaintiff does not oppose Defendants' Motion.<sup>1</sup> Plaintiff's counsel, as well as their experts, are available for trial on both the weeks of October 2 and October 30, 2023.

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<sup>1</sup> Counsel for Plaintiff is also aware that the Court noted in a recent hearing that rulings on the *Daubert* motions will soon be filed. If the Court denies the City's motions, Mr. Ball-Bey also may request leave to briefly supplement his experts' reports given the continuance and the recent FIU discovery.

Dated: August 9, 2023

Respectfully Submitted,

**KHAZAEI WYRSCH, LLC**

/s/ John M. Waldron

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